REMARKS/ARGUMENTS

Claims 1-13 are pending in this application. By this Amendment, claims 10, 11 and 13 are amended, and claims 34-47, and 49-60 are canceled without prejudice or disclaimer.

The Patent Office objects to the Information Disclosure Statement filed on October 11, 2006 under 37 C.F.R. §1.98(a)(2). The Patent Office indicates that a legible copy of each cited foreign patent document and each non-patent literature publication or that portion which caused it to be listed is required. In this regard, the Patent Office seems to indicate that a legible copy has not been provided. However, based on review of the PAIR system, the legible copies are readily available in the Reply filed on January 11, 2006 and September 21, 2006. The review of the PALM/PAIR indicates that those references cited in the Information Disclosure Statement filed on October 11, 2006 were part of the attachments with the Reply filed on those dates.

Further, a legible copy was provided to the Patent Office in hard copy format. The non-legible error occurred at the Patent Office during scanning. Further, upon review of those documents in the PALM/PAIR system, there are minor marks on the scanned copies, but the documents are quite legible for determining the relevance of the references cited on the PTO-1449.

To prevent any further issues in regard to this matter and in preparation for appeal, the undersigned has or will file a separate Information Disclosure Statement resubmitting the Information Disclosure Statement filed on October 11, 2006 with electronic copies of each

reference so that this is no longer an issue on appeal. Consideration of these references and return of the initialed PTO-1449 is respectfully requested.

Claims 34, 35, 38-47, 49-57 and 58-60 stand rejected under 35 U.S.C. §102(a) over Roobol et al, "A Proposal for an RLC/MAC Protocol for Wideband CDMA Capable of Handling Real Time and Non Real Time Services" (hereinafter "Roobol"). Further, claims 36 and 37 stand rejected under 35 U.S.C. §103(a) over Roobol. By this Amendment, claims 37-47 and 49-60 are canceled without prejudice or disclaimer. Hence these rejections are moot.

Claims 1-13, 34-47 and 49-60 stand rejected under 35 U.S.C. §112, first paragraph. This rejection is respectfully traversed.

In the "Response to Arguments," the Patent Office indicates that the two articles (IDS) will not be considered for support of enabling disclosure because of the later publication dates. However, the date that the Patent Office should consider is the filing date of U.S. application, not the priority dates. This application was filed in the U.S. on September 28, 1999. The two articles and in fact all of the references cited on the PTO-1449 were published prior to the U.S. filing date. Hence, these references must be considered in support of the enabling disclosure.

The Patent Office also indicates that the Applicants failed to indicate relevant passages of interest to obviate the §112, first paragraph rejections. The reference in Appendix A was provided for the Examiner's information that the state of the art was quite high at the time of the filing of the application in 1999.

As previously stated, the specification discloses a bearer service profile type comprising a bearer service combination type, a bearer service class type, and environment items (Page 5, lines 7-8). Moreover, the bearer service combination type comprises one of seven (7) combinations including at least one of speech, circuit-data and packet-data (Page 5, lines 11-20). Since the transport format comprises a dynamic part and a semi-static part, the dynamic part attributes include a transport block size and transport block setup size, and the semi-static part attributes include a plurality of coding methods (Page 8, line 22 – Page 9, line7). Based on such a disclosure, one of skill in the art is able to select a transport format according to the bearer service combination type, e.g., selecting a transport format with a lower-rate coding method for the speech bearer service combination type to decrease the transfer delay, and selecting a transport format with a higher-rate coding method for the packet-switched bearer service combination type to decrease the transfer error rate.

Further, the bearer service class type is classified into four classes A, B, C and D according to a bit rate and a quality of service (Page 5, line 21 – Page 7, line 13). Similarly, since the transport format comprises a dynamic part and a semi-static part, the dynamic part attributes include a transport block size and transport block setup size, and the semi-static part attributes include a plurality of coding methods (Page 8, line 22 – Page 9, line7). Based on such a disclosure, one of skill in the art is able to select a transport format according to the bearer service class type, e.g., selecting a transport format with a bigger block size and a lower-rate

coding method for the class A bearer service class type due to the lower data rate and higher error rate for the class A, and selecting a transport format with a smaller block size and a higher-rate coding method for the class D bearer service class type due to a higher data rate and a lower error rate for the class D.

Moreover, environment items are classified into three models, e.g., an indoor environment model, an outdoor to indoor and pedestrian environment model and a vehicular environment model (Page 8, lines 1-6). Since the transport format comprises a dynamic part and a semi-static part, the dynamic part attributes include a transport block size and transport block setup size, and the semi-static part attributes include a plurality of coding methods (Page 8, line 22 – Page 9, line7). Based on such a disclosure, one of skill in the art can select a transport format according to the environment items, for example, selecting a transport format with a higher-rate coding method for the indoor environment model having a lower error rate and selecting a transport format with a lower-rate coding method for the vehicular environment model having a higher error rate. Hence, one of ordinary skill in the communication art can readily select a transport format according to the decided bearer service profile type based on the application disclosure.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Daniel Y.J. Kim**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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